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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ALICE SVENSON, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

GOOGLE, INC., and GOOGLE PAYMENT
CORP.,

Defendants.

Case No. 5:13-cv-04080-BLF

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS IN
SUPPORT OF PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION UNDER
SEAL PURSUANT TO CIVIL L.R. 7-11
AND 79-5**

Judge: Honorable Beth Labson Freeman

1 Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff Alice Svenson ("Svenson")
2 respectfully submits this Administrative Motion for leave to file under seal certain documents in
3 connection with the filing of her Motion for Class Certification that Defendants Google, Inc.
4 ("Google") and/or Google Payment Corp. ("GPC") (together "Defendants") or Svenson have
5 designated "Confidential" or "Highly Confidential – Attorneys' Eyes Only" under the terms of the
6 August 6, 2014 Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive
7 Confidential Information and/or Trade Secrets ("Protective Order"). In support of the instant
8 motion, Svenson states as follows:

9 1. Svenson seeks to file the following "entire" documents under seal pursuant to Civil
10 L.R. 79-5.

- 11 • Exhibits 1-3 – 1-6; 1-9 – 1-12; 1-14 – 1-33, 1-35, 1-46, 1-48 – 1-51 to the
12 Declaration of Rafey S. Balabanian in Support of Plaintiff's Motion for Class
13 Certification, which are documents and excerpts of documents that Google or
14 Svenson have designated as "Confidential" or "Highly Confidential –
15 Attorneys' Eyes Only." (See Declaration of Rafey S. Balabanian
16 ("Balabanian Decl.") ¶ 3, attached as Exhibit 1 hereto.)

17 2. Svenson seeks to file portions of the following documents under seal pursuant to
18 Civil L.R. 79-5:

- 19 • Exhibits 1-13, 1-36, and 1-47 to the Declaration of Rafey S. Balabanian,
20 which contain portions of documents designated as "Confidential" by
21 Defendants Google and/or GPC or Svenson.
- 22 • Plaintiff's Memorandum in Support of Motion for Class Certification. This
23 document contains detailed references, including direct quotations, to the
24 exhibits listed above, which Google and/or GPC have designated
25 "Confidential" or "Highly Confidential – Attorneys' Eyes Only."

26 3. Good cause exists to allow Svenson to file the above-referenced exhibits and
27 documents under seal because, as set forth in the Declaration of Rafey S. Balabanian, they have all
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1 been designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” by Defendants,
2 and include, *inter alia*, references to particular Google projects, redesign of purchase flows, internal
3 documents and emails, individual personal information, and disclosure of personal information.

4 4. The Protective Order in this matter was entered by the Court on August 6, 2014 and
5 acknowledges that certain confidential, proprietary, or private information may be disclosed during
6 the course of discovery, and directs the Parties to follow the procedures set forth in Civil L.R. 79-5
7 for filing such documents and information under seal. (Dkt. 82 ¶ 12.3)

8 5. Protective orders and filings under seal are “the primary means by which the courts
9 ensure full disclosure of relevant information, while still preserving the parties’ (and third parties’)
10 legitimate expectation that confidential business information, proprietary technology and trade
11 secrets will not be publicly disseminated.” *In re Adobe Sys., Inc., Sec. Litig.*, 141 F.R.D. 155, 161-
12 62 (N.D. Cal. 1992) (citing *Johnson Controls, Inc. v. Phoenix Control Sys.*, 886 F.2d 1173, 1176
13 (9th Cir. 1989)). A court may order the sealing of court records when they contain confidential or
14 otherwise sensitive business information. *IMAX Corp. v. Cinema Tech, Inc.*, 152 F.3d 1161, 1168
15 (9th Cir. 1998) (noting that confidential and proprietary business information is “to be filed under
16 seal.”); *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 694 (9th Cir. 1993)
17 (stating that it “is common now in business litigation” to seal confidential business information by a
18 stipulated protective order).

19 6. Although Plaintiff does not necessarily believe it is critical to seal the designated
20 documents and information from the public record, especially in light of the ““compelling reasons””
21 test set forth by the Ninth Circuit in *Kamakona v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178
22 (9th Cir. 2006), Plaintiff has filed the instant motion so as to comply with the Protective Order.
23 (Dkt. No. 82.)

24 7. Consistent with Rule 79-5(e)(1), within four days of the filing of Plaintiff’s
25 Administrative Motion to File Under Seal, Defendants must file with the Court a declaration
26 establishing that the documents and materials it previously designated as “Confidential” and
27 “Highly Confidential – Attorneys’ Eyes Only” are sealable. If Defendants fail to do so and the
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1 instant motion is consequently denied, Plaintiff may file the information at issue in the public
2 record.

3 8. Prior to filing the instant motion, counsel for the Parties conferred regarding the
4 relief requested herein. The undersigned is authorized to state that Defendants do not oppose the
5 same.

6 WHEREFORE, Plaintiff Alice Svenson respectfully requests that the Court enter an order (i)
7 granting her administrative motion to file documents under seal, and (ii) providing such other and
8 further relief as the Court deems reasonable and just.

9 Respectfully submitted,

10 **ALICE SVENSON**, individually and on behalf of all
11 others similarly situated,

12 Dated: June 3, 2016

By: s/ Rafey S. Balabanian

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2016, I electronically filed the above and foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Rafey S. Balabanian